

This rule was filed as SOS Rule No. 84-1.

**TITLE 1            GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 10       ELECTIONS AND ELECTED OFFICIALS**  
**PART 20           ADOPTION OF VOTING MACHINE STANDARDS**

**1.10.20.1           ISSUING AGENCY:** New Mexico Secretary of State.  
[SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.2           SCOPE:** This rule applies to all state agencies, county and local government divisions that are subject to the New Mexico Election Code using voting machines in elections for public office in New Mexico. This is a new rule.  
[SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.3           STATUTORY AUTHORITY:**

- A        First, Section 1-9-1 NMSA 1978 directs the Secretary of State to study, examine, and approve all voting machines used in elections for public office in New Mexico.
- B.        Second, Section 1-9-14 NMSA 1978 directs the Secretary of State to
- (1) test and evaluate internal computers designed for the purpose of recording and tabulating votes within polling places in New Mexico;
  - (2) upon completion of all tests and examinations of all test reports, the Secretary of State shall make a written report of the results of the Findings of the Secretary of State's recommendations regarding the suitability and reliability of such equipment in the conduct of elections under the Election Code and the report shall be a public record; and
  - (3) the Secretary of State shall prescribe by regulation promulgated under the provisions of the State Rules Act specifications for internal computers designed for the purpose of providing a uniform system of internal computers for recording and tabulating votes within polling places.
- [SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.4           DURATION:** [Permanent.]  
[SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.5           EFFECTIVE DATE:** [May 8, 1984, filed May 9, 1984, unless a later date is cited at the end of a section.]  
[SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.6           OBJECTIVE:** The objective of this rule is to adopt standards for voting machines to be used in elections for public office in New Mexico.  
[SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.7           DEFINITIONS:**

- A.        **"Recording and tabulating"** equipment means a type of voting machine which is a single unit designed to permit a voter to "enter" the privacy booth of a voting machine and both cast his ballot on the machine and record the ballot as cast by the voter.
- B.        **"Vote tabulating"** equipment means a type of voting machine which is a single unit designed to count (record) the votes cast on a pre-printed ballot which is filled in by a voter casting his ballot on the pre-printed paper ballot.  
[SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.8           FILING OF REPORT:** Pursuant to the requirements contained in Section 1-9-14 NMSA 1978, the Secretary of State contemporaneously with the filing of this Regulation for the "Adoption of Voting Equipment Standards" has submitted a "Report on Testing and Analysis of Electronic Voting Equipment and Adoption of Voting Equipment Standards" to the State Records Center to be retained as a public record.  
[SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.9 STANDARDS FOR "RECORDING AND TABULATING" VOTING MACHINES:**

- A. The electronic voting machine shall be a "recording and tabulating" voting machine which has been submitted for testing and tested pursuant to Section 1-9-14 NMSA 1978.
  - B. The electronic voting machine shall be a computer (microprocessor) controlled direct electronic tabulation system.
  - C. The operating software shall be stored in a non-volatile memory "firmware" and shall include internal quality checks such as purity or error detection and/or correction codes. The firmware shall include comprehensive diagnostics to insure that failures do not go undetected.
  - D. The voting system shall be a battery back-up system that will, as a minimum, retain voter information and be capable of retaining and restoring processor operating parameters in the event of power failures.
  - E. The system shall have as a standard or as an option, software/hardware provisions for remote transmission of election results to a central location by a common carrier (telephone networks).
  - F. Subsistence, i.e. printer, power sources, microprocessor, switch and indicator matrices, etc., shall be modular and pluggable. Electronic components shall be mounted on printed circuit boards. The unit shall be supplied with dust and moisture-proof cover for transportation and storage purposes.
  - G. Specifications:
    - (1) Operating temperature - 50°F to 90°F.
    - (2) Storage temperature - 0°F to 120°F.
    - (3) Humidity - 30% to 80% non-condensing.
    - (4) Line voltage - 115 VAC +/- 15%, 60 HZ.
  - H. The system shall record and document the total time polls are open at a precinct location.
  - I. The system shall prevent any voter from selecting more than the allowable number of candidates for any office (no over-voting).
  - J. The voting machine shall be capable of operating continuously for a minimum time period of sixteen hours without external power (115 VAC).
  - K. The tabulation of votes on the voting machine shall be stored, ballot by ballot, in three (3) or more memory locations (separate integrated circuit chips) and shall be electronically compared throughout the election. Any differences between votes tabulated and stored in these multiple storage locations shall be detected immediately and generate an error message defining required maintenance on the voting machine before it can continue to be used in the election.
  - L. The entire ballot shall be visible to the voter on a single page.
  - M. The voting machine shall have a privacy booth in which the voter casts his vote and the privacy booth shall be an integral part of the machine.
  - N. The voting machine shall have a forward brace or rest that will permit a precinct official to tilt the voting machine forward and lock the voting machine in a forward position in such a manner that it rests upon four legs or some similar stable device to permit the physically disabled voter to cast his ballot.
- [SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.10 STANDARDS FOR "VOTE TABULATOR" VOTING MACHINES:**

- A. The electronic voting machine shall be a "vote tabulator" voting machine which has been submitted testing and tested pursuant to Section 1-9-14 NMSA 1978.
- B. The electronic voting machine shall be a computer (microprocessor) controlled direct electronic tabulation system.
- C. The operating software shall be stored in a non-volatile memory "firmware" and shall include internal quality checks such as purity or error detection and/or correction codes. The firmware shall include comprehensive diagnostics to insure that failures do not go undetected.
- D. The voting system shall be a battery back-up system that will, as a minimum, retain voter information and be capable of retaining and restoring processor operating parameters in the event of power failures.
- E. Shall provide alpha/numeric printouts of the vote totals at the closing of the polls.
- F. The machine shall have as a standard or as an option, software/hardware provisions for remote transmission of election results to a central location by a common carrier (telephone networks).

G. Subsistence, i.e. printer, power sources, microprocessor, switch and indicator matrices, etc., shall be modular and pluggable. Electronic components shall be mounted on printed circuit boards. The unit shall be supplied with dust and moisture-proof cover for transportation and storage purposes.

H. Specifications:

- (1) Operating temperature - 50°F to 90°F.
- (2) Storage temperature - 0°F to 120°F.
- (3) Humidity - 30% to 80% non-condensing.
- (4) Line voltage - 115 VAC +/- 15%, 60 HZ.

I. The memory pack is able to accept over 1,500 voting positions and tabulate over 65,000 votes for each position.

J. The machine shall accept a ballot inserted in any orientation and one which is six inches wide and twenty-four inches long, dual column, and printed on both sides. The ballot should be able to hold a maximum of 520 candidate positions.

K. The tabulator must recognize all errors and be able to reject or return the erred ballot. The tabulator is automatically able to detect an over voted ballot.

L. The vote tabulator must contain an RS-232 data communications capability to transmit totals over regular voice grade telephone lines.

M. The vote tabulator must contain a public display counter to record number of ballots processed.

N. The tabulator should be programmable with control cards.

O. Since this machine will only be utilized as a counting device for absentee ballots and emergency ballots, no privacy booths are required and no privacy booth standards have been established.

[SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.11 APPROVAL OF "RECORDING AND TABULATING" VOTING MACHINES:** The Secretary of State hereby approves the "recording and tabulating" machine which meets the standards contained in Paragraph G above [now 1.10.20.9 NMAC] above for use in elections for public office in New Mexico at polling places where the voter votes in person on the voting machine during the period polls are open. The Secretary of State also hereby approves the "recording and tabulating" machine which meets the Standards contained in Paragraph G [now 1.10.20.9 NMAC] for absentee balloting.

[SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.12 APPROVAL OF "VOTE TABULATING" VOTING MACHINES:** The Secretary of State hereby approves the "vote tabulator" voting machine which meets the standards contained in Paragraph H [now 1.10.20.10 NMAC] above for use to count absentee ballots or emergency paper ballots. This type of equipment is not approved for use for voting in person at the polling place on election day.

[SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.13 CONTINUED USE OF EXISTING VOTING EQUIPMENT:** The Secretary of State hereby approves and continues the prior approval of the AVM fully mechanical, fifty column, print-a-matic, lever type machines for use in all elections for public office in New Mexico during a transition period.

[SOS 84-1, 05-08-84; Recompiled 11/30/01]

**1.10.20.14 EXCEPTIONS:** There are no exceptions to this rule.

[SOS 84-1, 05-08-84; Recompiled 11/30/01]

**HISTORY OF 1.10.20 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:  
SOS Rule No.84-1 Adoption of Voting Machine Standards, 5/9/84.

**History of Repealed Material:** [RESERVED]